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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 05-00395 CRB
	)	
Plaintiff,	)	<u>REQUEST, STIPULATION AND ORDER</u>
	)	
v.	)	
	)	
HYE CHA KIM,	)	
	)	
Defendant.	)	

This matter is currently on the Court's calendar for June 7, 2006. Through counsel, defendant Hye Cha Kim and the United States ask the Court to (a) vacate the June 7, 2006 date based on the parties' on-going plea negotiations, (b) set a date of July 26, 2006 for status/change-of-plea, and (c) exclude time under the Speedy Trial Act, 18 U.S.C. § 3161 from June 7, 2006, to July 26, 2006.

1. The parties are currently engaged in plea negotiations and request that the Court set the matter for July 26, 2006, for status/change-of-plea.

2. Recently, the government reviewed additional discovery (including two binders with hundreds of pages of reports and information) with defense counsel and is in the process of

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1 providing those materials to the defense. Defense counsel needs time to review those materials  
2 and confer with the defendant.

3 3. The parties agree that the time between June 7, 2006 and July 26, 2006 should be  
4 excluded from the Speedy Trial clock. Previously, the Court has declared this case complex.  
5 See 18 U.S.C. § 3161(h)(8)(B)(ii). Further, defense counsel needs time to review additional  
6 materials from the government and investigate the immigration consequences of a plea  
7 agreement. These matters require a short time to address, and so the parties agree that a  
8 continuance is necessary for the effective preparation of defense counsel, taking into account the  
9 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the  
10 ends of justice served by excluding the period from June 7, 2006 to July 26, 2006 outweigh the  
11 interest of the public and the defendant in a Speedy Trial. See id. § 3161(h)(8)(A).

12 STIPULATED:

13  
14 June 2, 2006 /S/ PETER B. AXELROD\_\_\_\_\_  
DATE PETER B. AXELROD  
LAUREL BEELER  
Assistant United States Attorneys

15  
16 June 2, 2006 /S/ SCOTT SUGARMAN\_\_\_\_\_  
17 DATE SCOTT SUGARMAN  
Attorney for Hye Cha Kim

### 18 ORDER

19  
20  
21 For good cause shown, and for the reasons stated above, the Court (a) vacates the June 7,  
22 2006, hearing date for defendant Hye Cha Kim based on the on-going plea negotiations, (b) sets  
23 the matter for status/change-of-plea on July 26, 2006, at 2:15 p.m., and (c) excludes times under  
24 the Speedy Trial Act, 18 U.S.C. § 3161, from June 7, 2006, to July 26, 2006. The Court finds  
25 that the failure to grant the requested exclusion would deny defense counsel reasonable time  
26 necessary for effective preparation taking into account the exercise of due diligence. Further, the  
27 Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii).

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1 Thus, the Court finds that the ends of justice served by granting the requested exclusion outweigh  
2 the best interest of the public and the defendant in a speedy trial and in the prompt disposition of  
3 criminal cases. The Court therefore concludes that this exclusion of time should be made under  
4 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv).

5 IT IS SO ORDERED.

6  
7 DATED: June 5, 2006

8 CHARLES R. BREYER  
United States District Judge

